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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,338	08/18/2003	Kia Silverbrook	BIN06US	1931

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

DEUBLE, MARK A

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,338

Applicant(s)

SILVERBROOK, KIA

Examiner

Mark A. Deuble

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/721,859.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/721,859 (Now

U.S. Patent No. 6631897, filed on November 25, 2000. *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Godley (British document number 3 303 580) in view of Johnson, Chaloupka, or Blair.

Godley shows an apparatus comprising a support tray that receives a stack of printed pages having binding adhesive applied adjacent an edge of the pages by a gluing means

6. The tray includes a bottom support surface 24 and sidewalls formed by members 18 and 14 that extend substantially perpendicular to each other so that the perpendicular edges of the pages in the stack may be brought to bear against the sidewalls to be aligned. The tray is supported on a frame 26 that includes a means 22 to alter the level of the support surface of the tray 24 so that the support surface is moved downward as each page is delivered to the tray. The sheets are fed to the support tray by a drive system 28/30 arranged above the support surface of the tray so that the pages are directed against the two sidewalls of the tray before floating down into position on the support surface and the stack. A blower may be used to place a compressive force on the sheets forcing them down against the stack to bind the sheets of the stack together. Thus, while

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Godley shows generally all that is required by the claim, the apparatus of Godley employs a jogging or knocking means 12 that presses the sheets into engagement with the sidewalls rather than a vibrator for aligning the sheets as required by claims 1 and 12. It is well known in the art, however, that trays with subsonic vibrators having one corner of their support surface positioned below the remainder of the support surface provide an advantageous means of aligning the sheets in a stack fed to the tray, as is evidenced by Johnson, Chaloupka, and Blair. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to downwardly angle the support tray of Godley and to provide a subsonic vibrator that vibrates the tray during and after delivery so that the sheets in the tray may be precisely aligned with one another against the perpendicular edges of the support tray. When the apparatus of Godley is modified in this fashion, it would have all the structure required by claims 1-5, 7, and 10-11 and operate with all the steps required by claims 12-17 and 19 except for the press device for applying a compressive force to the stack pages adjacent an edge thereof corresponding to the edges to which adhesive was applied required by claims 1 and 14.

In regard to the pressing device, it should be noted, as it was during prosecution of the parent application, that it is well known in the art to use vibrating trays of the type shown in Godley as modified in view of Johnson, Chaloupka, or Blair to align sheets for a press device that presses against the edge of the stack to which adhesive is applied in a book binding operation as is evidenced by Stuertz, Schienker, Hoff, and Coyette. Therefore it would have been obvious to use such a press device with the apparatus of Godley. Furthermore, in regard to applicant's contention that during prosecution of the parent application that it would not be obvious to combine the apparatus of Goodley with a pressing device because the aligned sheets

are usually removed from the alignment tray and placed into a separate device for compressing pages in an apparatus of this type, it should be pointed out that in the operation of the apparatus of Goodley, the pages are bound together while on the support tray. Therefore the addition of a pressing device applying a compressive force to the edge of a stack of sheets to which adhesive has been applied while the sheets are on the support tray to aid in the binding of the stack of sheets would have been obvious. Finally, it must be pointed out that the language of the claims does not require that the press device applies the compressive force to the stack while the stack is still on the tray. Therefore, even the addition of a downstream pressing device as suggested by the applicant would meet the limitations of claims 1 and 14.

In regard to the limitation of claims 2 and 19 that the height of the support surface of the tray is adjusted relative to the press device to ensure that an upper page of the stack is situated at a predefined level for interaction with the press device, it should be noted, as it was above, that the support surface is lowered as each sheet is delivered thereto. When the apparatus of Goodley is provided with a press device as described above, the lowering of the support surface would amount to an adjustment of the height of the support surface relative to the press device that would result in the upper page of the stack being situated at a predefined level for interaction with the press device. While Goodley does not discuss adjusting the stack height to such a particular predefined level, in the absence of some language in the claims further defining the predefined level, the level at which the tray stops moving amounts to such a predefined level and therefore Goodley, modified as described above, meets all the limitations of claims 2 and 19.

In regards to the limitations of claims 6, 8-9 and 17 that dampers suspend the tray from the frame to dampen the vibration of the tray, it should be noted that the use of dampers for

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dampening excessive vibrations is well known in the art as is evidenced by Johnson (see also Totten listed below) and their use would have been obvious to one of ordinary skill in the art at the time of the invention. Furthermore, in regards to the positioning of the dampers to extend from the tray to the frame to suspend the tray below the frame, the arrangement of the tray above or below the frame and the positioning of the dampers clearly falls within the realm of obvious design choice or obvious rearrangement of parts in the absence of some disclosure in the applicant's specification of some unusual advantage or result. *In re Kuhle*, 188 USPQ 7 (CCPA 1975).

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stuertz, Schienker, Hoff, and Coyotte are all evidence that it is well known in the art to utilize a press device in combination with an alignment tray in a fashion similar to that of the present invention.

Totten discloses the use of dampers on a vibrating support tray similar to that of the present invention.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (703) 305-9734. The examiner can normally be reached on Monday through Friday except for alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P Ellis can be reached on (703) 308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md


KATHY MATECKI
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